

Appln. No. Serial No. 10/676,943
Attorney Docket No.: 44471/292886
Response in Appln, Reply to Office Action of 11/13/06
Page 2 of 4

REMARKS

Claims 1-6 are pending in this application. The Examiner rejected Claims 1-6 under 35 U.S.C. §103(a).

Claims 1-6 Are Patentable Over the Cited References

The Examiner rejected Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0146821 ("Brandt") in view of U.S. Patent Application No. 6,992,565 (Geisler), and further in view of U.S. Patent No. 6,779,719 (Guindulain Vidondo). Applicant traverses these rejections for the reasons discussed below.

The button apparatus of Claim 1 requires two types of information transfer. The first type of transfer corresponds to "press information," which is transferred by a switch when the conductive pusher is pressed down. The second type of transfer corresponds to information which is transferred when the conductive pusher is touched. When the body of the user touches the conductive pusher, the electric field induced in the user's body is propagated to the pusher, which enables communication between the first transceiver worn by the user and the second transceiver.

The Examiner admitted that Brandt does not describe inducing an electric field in a human body, but alleged that Giesler describes using the human body as an electric-field propagating medium. The Examiner alleged that it would have been obvious to combine Brandt and Giesler to "couple the RF module to the body of the user and allow data to be communicated between the RF module and the goods/service provider, when the user touches a button on the goods/service provider . . . to allow a user to keep the electronic device in or under his/her clothing or in a purse of the like." Brandt describes that an RFID module within an electronic device, such as a cell phone, communicates with a goods or services provider, such as a gasoline pump, a parking meter, vending machine or a payment window, when the RFID module is "adjacent" to an input/output unit of the goods/services provider. Page 2, paragraph [0023]. Giesler describes a data carrier that communicates with a base station, where a coupling link between the data carrier and the base station is "formed

Appln. No. Serial No. 10/676,943
Attorney Docket No.: 44471/292886
Response in Appln, Reply to Office Action of 11/13/06
Page 3 of 4

at least partly by the body of a user." The user's "skin is not required to be in physical contact with the data carrier, so that the body of the user contactlessly conducts displacement current from the data carrier without contacting the data carrier." Abstract. The system described by Giesler permits the user to carry the data carrier "in or under his or her clothing or in a purse or the like." Column 3, lines 8-9. There is no reason to combine Brandt and Giesler in the manner suggested by the Examiner since the system described by Giesler already provides the function that the Examiner alleges would be achieved by combining Brandt and Giesler.

The Office Action does not provide a citation to describe how the programs used by the RFID module and the goods/services provider described by Brandt could operate with coupling connection described by Giesler. The programs described by Brandt communicate detailed information, such as control, authorization, and payment information, whereas the coupling connection described by Giesler only communicates information used to lock/unlock a vehicle.

Even if the references are combined, the combination does not describe communication between a first transceiver and a second transceiver when the user **touches or presses** a conductive pusher. Brandt only describes that a user places an electronic device having an RFID module next to a goods/services provider and Giesler describes that a user does not touch the data carrier. The references do not, either individually or in combination, describe that a user touches or presses a conductive pusher.

The Examiner admitted that neither Brandt nor Giesler describes a switch to transfer press information to the goods/services provider, but alleged the Guindulain Vidondo discloses a plurality of push buttons. Guindulain Vidondo describes product selection push buttons that a user pushes to select a product, such as those typically provided by a vending machine, including beverages and cigarettes, or to access a service, such as telephone service or Internet service. Column 1, lines 13-16. Guindulain Vidondo only describes the pressing of the push buttons. It does not describe any action that takes place when the user touches a push button. The Examiner alleged that it would have been obvious to combine Brandt,

Appln. No. Serial No. 10/676,943
Attorney Docket No.: 44471/292886
Response in Appln, Reply to Office Action of 11/13/06
Page 4 of 4

Giesler and Guindulain Vidondo "in order to inform the goods/service provider of the desired/selected product that the user wants to obtain in addition to the data to complete or initiate the financial transaction."

There is no motivation to combine the references in the manner suggested by the Examiner. Giesler does not describe a financial transaction, so the stated reason for combining the references does not apply to the combination of Giesler and Guindulain Vidondo. Even if the references are combined, the combination does not describe the claimed invention. The references do not, either singularly or in combination, describe the communication of both touch information and press information, as required by Claim 1.

Claims 2-5 directly or indirectly depend from independent Claim 1. Claim 6 is a method claim that corresponds to the apparatus claim, Claim 1. The remarks made above in support of the patentability of Claim 1 are equally applicable to distinguish Claims 2-6 from the cited references. Thus, Claims 2-6 also should be allowed.

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,



By: Brenda O. Holmes
Reg. No. 40,339

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Facsimile: (404) 815-6555